THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 24085 OF 2005

Dated 10th November 2005

Between:

J.B.Subrahmanyam S/o. J.B.Narasimha Murthy

…Petitioner

And

The Joint Transport Commissioner & Secretary,

Regional Transport Authority, Hyderabad Central & another

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 24085 OF 2005

O R D E R:

Contract carriage bus of the petitioner, bearing Registration No. AP-05U-3434, was seized on 23.5.2005, on the ground that the petitioner failed to produce the necessary documents in relation to them. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner, and learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 23.5.2005, issued by the second respondent, discloses that the petitioner failed to produce the proof of hire contract with the owner, and proof of tax. Certain other lapses were also pointed out. The

liability of the petitioner, in the context of these observations, needs to be established in the proceedings to be initiated, under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the first respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected, by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. the contract carriage bus, bearing No. AP-05U-3434, shall be released to the petitioner, on his depositing a sum of Rs.15,000/- (Rupees Fifteen thousand only).

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that he shall produce the vehicle as and when required.

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10th November 2005

Note: C.C.by tomorrow.

(B/o)

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